



## **COUNTY FERRY CAPITAL IMPROVEMENT PROGRAM**

## **2007 – 2009 BIENNIUM PROJECT APPLICATION**

In accordance with RCW 47.56.725(4) and WAC 136-400, the County Road Administration Board (CRAB) may evaluate requests for ferry capital improvement funds by Pierce, Skagit, Wahkiakum, and Whatcom counties, and, if approved by the board, submit said requests to the legislature for funding.

WAC 136-400-050 states, “Each application by a county for ferry capital improvement funds shall be made no later than January 1st of even-numbered years (2006) for the biennium beginning on July 1st of the next odd-numbered year (2007). The information submitted to the county road administration board shall include the application form and sufficient engineering drawings to accurately describe the project.

In order for CRAB to consider a project for funding under the ferry capital improvement program, the project shall include at least one of the following alternatives:

- (1) Purchase of new vessel(s);
- (2) Major vessel refurbishment (e.g., engines, structural steel, controls) that substantially extends the life of the vessel;
- (3) Facility refurbishment/replacement (e.g., complete replacement, major rebuilding or redecking of a dock) that substantially extends the life of the facility;
- (4) Installation of items that substantially improve ferry facilities or operations;
- (5) Construction of infrastructure that provides new or additional access or increases the capacity of terminal facilities; and/or
- (6) Emergency repairs to correct damage to vessels or facilities caused by accidents or natural phenomena.

## **PART ONE -- Six-Year and Fourteen-Year Plan Submittal**

*Please provide a narrative answer to the following questions. If the answer is "NO", please explain:*

1. Was the county's six-year program and fourteen-year long-range ferry capital improvement plan prepared and adopted in accordance with RCW 36.81.121 and 36.54.015?
2. Were copies forwarded to CRAB no later than December 31, 2005?
3. Did the county's six-year program and fourteen-year ferry capital improvement plan submitted by December 31, 2005 for CY 2006 include all projects for which the county is requesting ferry capital improvement funds during the biennium beginning on July 1, 2007?
4. Was a preliminary project cost estimate submitted?

## **PART TWO – Project Application Documentation**

*Please provide a narrative answer to the following question. If the answer is "NO", please explain:*

- (1) Was the application for ferry capital improvement funds made no later than January 1, 2006 for the biennium beginning on July 1, 2007?

*Please provide the following information in detail:*

- (1) A complete project description and scope, including decision criteria and financial justifications for preferred alternatives;
- (2) A complete engineering analysis and cost estimate for the project;
- (3) Copies of applications for outside funding through the public works trust fund or any other available revenue source;
- (4) A financial plan for utilization of outside funding that has been, will be, or may be awarded; and
- (5) Comprehensive project amortization and cash flow schedules.

## **PART THREE – Project Review Process**

WAC 136-400-060 states that a technical review committee be created to review project applications for ferry capital improvement funds composed of the following members or their designees:

- (1) Executive director of CRAB,
- (2) WSDOT Director of Highways and Local Programs,

(3) WSDOT Marine Division Engineer, and

(4) Public Works Department representatives from each of the four participating counties.

The county representatives will serve as ex officio, nonvoting members of the technical review committee.

Presentation of the projects by the county during technical review committee meetings will allow for additional information and questions about the project to be addressed.

The technical review committee may recommend approval of projects that have been submitted in a timely manner and that:

(1) Meet the applicable statutes and the standards of this chapter; and

(2) Adhere to commonly held engineering practices and cost effectiveness.

The technical review committee will recommend an appropriate local match on a project-by-project basis based upon the availability of local matching funds. Written reports on each project recommended for approval will be submitted to the CRAB no later than thirty days prior to its regularly scheduled spring meeting. Technical review committee meetings will be convened on an "as needed" basis by the executive director of the CRAB, who will serve as chairperson.

#### **PART FOUR – Project Application Certification**

Date of Application:\_\_\_\_\_

Project Lead Contact:\_\_\_\_\_

I certify that the information provided in this application is true and correct; and that I am authorized to sign this application on behalf of the requesting agency.

County Engineer:\_\_\_\_\_

**ADMINISTRATION OF THE COUNTY FERRY CAPITAL IMPROVEMENT PROGRAM**

Last Update: 12/7/98

**WAC SECTIONS**

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**WAC 136-400-010 Purpose and authority.**

RCW 47.56.725(4) provides that the county road administration board may evaluate requests for ferry capital improvement funds by Pierce, Skagit, Wahkiakum, and Whatcom counties, and, if approved by the board, submit said requests to the legislature for funding. This chapter describes the manner in which the county road administration board will implement the provisions of the act.

[Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-400-010, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-400-010, filed 8/12/96, effective 9/12/96. Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-010, filed 10/23/91, effective 11/23/91.]

**WAC 136-400-020 Eligibility.**

Counties eligible to apply for ferry capital improvement funds are Pierce, Skagit, Wahkiakum, and Whatcom.

[Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-020, filed 10/23/91, effective 11/23/91.]

**WAC 136-400-030 Definition of ferry capital improvement projects.**

Ferry capital improvement projects shall include the following:

- (1) Purchase of new vessels;
- (2) Major vessel refurbishment (e.g., engines, structural steel, controls) that substantially extends the life of the vessel;
- (3) Facility refurbishment/replacement (e.g., complete replacement, major rebuilding or redecking of a dock) that substantially extends the life of the facility;
- (4) Installation of items that substantially improve ferry facilities or operations;

(5) Construction of infrastructure that provides new or additional access or increases the capacity of terminal facilities; and/or

(5) Emergency repairs to correct damage to vessels or facilities caused by accidents or natural phenomena.

[Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-030, filed 10/23/91, effective 11/23/91.]

**WAC 136-400-040 Six-year and fourteen-year plan submittal.**

Each county's six-year program and fourteen-year long range ferry capital improvement plan shall be prepared and adopted in accordance with RCW 36.81.121 and 36.54.015, respectively, and one copy shall be forwarded to the county road administration board no later than December 31st of each year. The county's six-year program and fourteen-year ferry capital improvement plan submitted in each odd-numbered year shall include all projects for which the county may request ferry capital improvement funds during the biennium beginning on July 1st of that year. Project cost estimates shall be considered preliminary until a project application is submitted.

[Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-400-040, filed 12/7/98, effective 1/7/99. Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-040, filed 10/23/91, effective 11/23/91.]

**WAC 136-400-050 Project application.**

Each application by a county for ferry capital improvement funds shall be made no later than January 1st of even-numbered years for the biennium beginning on July 1st of the next odd-numbered year. The information submitted to the county road administration board shall include the application form and sufficient engineering drawings to accurately describe the project.

Project applications shall be submitted on application forms supplied by the county road administration board and shall include the following information:

- (1) Project description and scope;
- (2) Engineering analysis and cost estimate;
- (3) Evidence of application for outside funding through the public works trust fund or any other available revenue source;
- (4) Plan for utilization of outside funding that has been, will be, or may be awarded; and
- (5) Comprehensive project amortization and cash flow schedules.

[Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-400-050, filed 12/7/98, effective 1/7/99. Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-050, filed 10/23/91, effective 11/23/91.]

**WAC 136-400-060 Technical review committee.**

A technical review committee shall be created to review project applications for ferry capital improvement funds composed of the following members or their designees: Executive director of the county road administration board, WSDOT assistant secretary for transaid (Highways and

Local Programs), a WSDOT marine division engineer, and public works department representatives from each of the four participating counties. The county representatives shall serve as ex officio, nonvoting members of the technical review committee. The technical review committee shall recommend approval of projects that have been submitted in a timely manner and that:

- (1) Meet the applicable statutes and the standards of this chapter; and
- (2) Adhere to commonly held engineering practices and cost effectiveness.

The technical review committee shall recommend an appropriate local match on a project-by-project basis based upon the availability of local matching funds. Written reports on each project recommended for approval shall be submitted to the county road administration board no later than thirty days prior to its regularly scheduled spring meeting. Technical review committee meetings shall be convened on an "as needed" basis by the executive director of the county road administration board, who shall serve as chairperson.

[Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-400-060, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-400-060, filed 8/12/96, effective 9/12/96. Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-060, filed 10/23/91, effective 11/23/91.]

#### **WAC 136-400-070 County road administration board action.**

The county road administration board shall review project applications, along with the recommendations of the technical review committee, at its regular spring meeting in even-numbered years. At that time it shall approve those projects which it finds:

- (1) Meet the applicable statutes and the standards of this chapter; and
- (2) Adhere to commonly held engineering practices and cost effectiveness, specifying the amount of approved funding which it recommends for such projects.

The board shall determine a local matching percentage on a case-by-case basis, considering the availability of local matching funds and the recommendation of the technical review committee. Emergent projects may be considered by the county road administration board at any time upon recommendation by the executive director. The board shall require evidence that each applicant has first sought funding through the public works trust fund, and other available revenue sources.

[Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-400-070, filed 12/7/98, effective 1/7/99. Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-070, filed 10/23/91, effective 11/23/91.]

#### **WAC 136-400-080 Funding by the legislature.**

County ferry capital improvement project requests approved by the county road administration board shall be submitted to the legislature for funding out of amounts available under RCW 46.68.100(3) as part of the biennial or supplemental budget request of the county road administration board.

The county road administration board shall, within ten days of the signing of the transportation budget, notify each county having an approved project of such approval and of the amount of ferry

capital improvement funding allocated to each approved project. The county road administration board shall offer each county a contract for each approved project setting forth the terms and conditions under which funds will be provided.

[Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-400-080, filed 12/7/98, effective 1/7/99. Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-080, filed 10/23/91, effective 11/23/91.]

**WAC 136-400-090 Limitation on use of ferry capital improvement funds.**

Ferry capital improvement funds may be used for project design, construction, and right of way costs incurred after legislative approval. Emergency project costs may be eligible for retroactive payment upon approval by the county road administration board.

[Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-400-090, filed 12/7/98, effective 1/7/99. Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-090, filed 10/23/91, effective 11/23/91.]

**WAC 136-400-100 Terms of CRAB/county contract.**

The CRAB/county contract shall include, but not be limited to, the following provisions:

(1) Such contract shall be valid and binding (and the county shall be entitled to receive ferry capital improvement funds) only if such contract is signed and returned to the county road administration board within forty-five days of its mailing by the county road administration board.

(2) The project will be constructed in accordance with:

(a) The information furnished to the county road administration board; and

(b) The plans and specifications prepared under the supervision of the county engineer.

(3) The county will notify the county road administration board when a contract has been awarded and when construction has started, and when the project has been completed.

(4) The county road administration board will reimburse counties on the basis of progress vouchers received and approved on individual projects, subject to the availability of ferry capital improvement funds appropriated by the legislature.

(5) The county will reimburse the county road administration board in the event that a project post audit reveals ineligible expenditure of ferry capital improvement funds. Said funds will be returned to the county-wide fuel tax account for distribution in accordance with RCW 46.68.120.

[Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-400-100, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-400-100, filed 8/12/96, effective 9/12/96. Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-100, filed 10/23/91, effective 11/23/91.]

**WAC 136-400-110 Voucher approval and payment.**

The county road administration board shall prepare and distribute to all counties with approved ferry capital improvement projects, voucher forms for use in requesting progress and final payments for each approved ferry capital improvement project.

The county constructing each ferry capital improvement project may submit vouchers monthly as the work progresses and shall submit a final voucher after completion of each project for payment of the approved and funded share of the project cost.

The county road administration board shall approve such vouchers for payment to the county submitting the voucher. Ferry capital improvement fund warrants shall be transmitted directly to each county submitting a voucher. In the event that project funds remain unspent after the final project payment has been made, the unspent balance will be returned to the county-wide fuel tax account for distribution in accordance with RCW 46.68.120.

[Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-400-110, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-400-110, filed 8/12/96, effective 9/12/96. Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-110, filed 10/23/91, effective 11/23/91.]

#### **WAC 136-400-120 Audit requirements.**

Audits of county ferry capital improvement projects may be conducted by the state auditor's office and will normally be conducted in conjunction with the county audits required by RCW 43.09.260 and 36.80.080. Special audits of specific ferry capital improvement projects not required by these statutes may be accomplished at the request, and at the expense, of the county road administration board.

An audit of any county ferry capital improvement project shall include, but not be limited to, a review of the county's compliance with the provisions of the statute and these rules. The audit shall also include a review of the financial accounting and reporting of those funds associated with and received for the ferry capital improvement project.

In the event that an exception is noted in the audit report the county road administration board shall evaluate the noted discrepancy. Discrepancies may be cause for the county road administration board to order the payback of improperly expended ferry capital improvement funds as provided in the county road administration board/county contract. Any such funds returned by a county to the county road administration board shall be returned to the county-wide fuel tax account for distribution in accordance with RCW 46.68.120.

[Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-400-120, filed 12/7/98, effective 1/7/99. Statutory Authority: RCW 36.78.070 and 36.79.060. 96-17-013, § 136-400-120, filed 8/12/96, effective 9/12/96. Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-120, filed 10/23/91, effective 11/23/91.]

#### **WAC 136-400-130 Delegation of authority.**

In order to ensure effective and timely administration of the county ferry capital improvement program, the county road administration board or its executive director may delegate, in writing, its authority under this chapter.

[Statutory Authority: Chapter 36.79 RCW. 99-01-021, § 136-400-130, filed 12/7/98, effective 1/7/99. Statutory Authority: 1991 c 310 § 1(4). 91-21-138 (Order 85), § 136-400-130, filed 10/23/91, effective 11/23/91.]